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JOURNAL
OF THE
PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL

OF THE
TERRITORY OF THE UNITED STATES OF
AMERICA, SOUTH OF THE RIVER OHIO;

BEGUN AND HELD

AT KNOXVILLE, THE 25TH DAY OF AUGUST, 1794.

KNOXVILLE:
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JOURNAL

OF THE

LEGISLATIVE COUNCIL.

Monday the twenty-fifth day of August, 1794, being the day appointed for the meeting of the General Assembly of the Territory of the United States of America, South of the river Ohio, the members nominated by the Representatives of the People, and commissioned by the President of the United States as Legislative Councillors for said Territory, appeared, produced their credentials, and took their seats, to-wit :

The Honorable GRIFFITH RUTHERFORD,

“ JOHN SEVIER,

“ JAMES WINCHESTER,

“ STOCKLEY DONELSON,

“ PARMENAS TAYLOR.

Adjourned till to-morrow 10 o'clock, A. M.

TUESDAY, AUGUST 26, 1794.

Met according to adjournment.

Proceeded to the choice of a President ; when the Honorable Griffith Rutherford was unanimously elected and conducted to the Chair.

Proceeded to the election of a Clerk. Mr. Sevier was appointed to superintend the balloting ; when George Roulstone was appointed and qualified accordingly.

Christopher Shoat was chosen Doorkeeper.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council,

This House is now formed and ready to proceed on the public business,

and wish to know if you are met and prepared to receive communications from the House of Representatives.

On motion of Mr. Winchester, Mr. Sevier was appointed to confer with such member or members of the House of Representatives as they may join, and to report what rules are necessary to be observed in doing business between the Council and House of Representatives.

Ordered, That the following message be sent the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council have appointed Mr. Sevier to act with such member or members as you may appoint, as a committee to report the rules necessary to be observed in doing business between the Council and House of Representatives.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council,

We concur with your message, and appoint on our part Mr. White and Mr. Rutledge, to confer with Mr. Sevier what rules are necessary to be observed in doing business between the Council and House of Representatives.

Adjourned till to-morrow 10 o'clock, A. M.

WEDNESDAY, AUGUST 27, 1794.

Met according to adjournment.

Mr. Sevier, from the committee of the Council and House of Representatives, reported the rules necessary to be observed in doing business between the Council and House of Representatives. Read and concurred with. :

A message from the House of Representatives :

Mr. President and Gentlemen of the Council,

We propose that a joint committee of both Houses be appointed to report, as soon as possible, what bills of a public and general nature are necessary to be passed into laws by the present Assembly. We appoint on our part for this purpose, Mr. White, Mr. Cocke, Mr. Hardin, Mr. Wear and Mr. Doherty, to act with such gentlemen as you shall appoint on your part.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council agree to your proposition in appointing a joint committee to report what bills of a public and general nature are necessary to be passed into laws the present session, and join on our part Mr. Sevier and Mr. Winchester.

William Maclin was appointed Assistant Clerk.

Adjourned until to-morrow 10 o'clock, A. M.

THURSDAY, AUGUST 28, 1794.

Met according to adjournment.

Thomas Bounds was appointed Doorkeeper.

Mr. Sevier moved for leave and presented a bill for the relief of persons who have suffered, or may suffer, by their grants, deeds, and mesne conveyances not being proved and registered within the time heretofore appointed by law.

And a bill for the relief of such persons as have been disabled by wounds, or rendered incapable of procuring for themselves and families subsistence, in the militia of this Territory, and providing for the widows and orphans of such as have died; which were read the first time, passed and sent to the House of Representatives.

Received from the House of Representatives a bill for the relief of persons who have suffered, or may suffer by their grants, deeds, and mesne conveyances not being registered, &c.

Also, a bill for the relief of such persons as have been disabled by wounds, &c., in the militia service of this Territory, and providing for the widows and orphans of such as have died; each endorsed, 'Read the first time and passed.'

Ordered, that these bills be read; which being read, were passed the second time and returned.

A message from the House of Representatives:

Mr. President and Gentlemen of the Council,

The House of Representatives have received the report of the committee appointed to report what bills of a public and general nature are necessary to be passed into laws the present session, and have concurred therewith. And in order that the bills may be drawn and brought forward on the part of this House, Mr. Wear, Mr. Taylor, and Mr. Doherty, are appointed a committee to draw a bill to regulate the militia of this Territory.

Mr. White and Mr. Cocke, a committee to draw a bill to establish the judicial courts, and to regulate the proceedings thereof.

Mr. Hardin and Mr. Tipton, a committee to draw a bill making provision for the poor.

Mr. Rutledge and Mr. McMinn, a committee to draw a bill to levy a tax for the year 1794.

Mr. Hardin and Mr. Ford, a committee to draw a bill declaring what property shall be taxable, and the mode of collecting the tax thereon.

Mr. Doherty and Mr. Wear to draw a bill for the relief of such of the militia as have been wounded by the Indians in the late invasions. To act with such gentlemen as you may appoint on your part.

On motion, to agree with the proposition contained in the above message, the Council concurred with the same so far as to appoint Mr. Sevier for the court bill, and Mr. Winchester for the militia bill.

Received from the House of Representatives a bill to establish the toll of certain mills, endorsed, 'Read the first time and passed.'

Ordered, that this bill be read, which being read was passed the first time and returned.

Adjourned until to-morrow, 10 o'clock, A. M.

FRIDAY, AUGUST 29, 1794.

Met according to adjournment.

Ordered, that the following message be sent to the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives,

We concur with your proposition for appointing committees to draw such bills as are of a public nature ; and on our part have appointed Gen. Sevier to the court bill, and Col. Winchester for the militia bill.

The President laid before the Council the petition of the people called Quakers ; which was read and referred to the committee on the militia bill.

Mr. Sevier moved for leave, and presented a bill to admit attornies at law to practise and plead in the superior and county courts in this Territory ; which was read the first time, passed, and sent to the House of Representatives.

On motion of Mr. Sevier, Mr. Donelson was appointed on the part of the Council to draw up a tax bill, and to report what sum of money is necessary to be raised for the support of the civil list for the year 1794.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

We propose that a committee be appointed for the purpose of drawing up a tax bill, and to report what sum of money is necessary to be raised for the support of the civil list for the year 1794, and for that purpose appoint Mr. Donelson on our part.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council,

This House having taken the petition of James Russell into consideration, propose that a joint and standing committee of propositions and grievances be appointed ; and appoint on our part Messrs. Tipton, Hardin, White, Cocke and Taylor, to act in conjunction with such gentlemen as you may appoint on your part.

Read and concurred with, and Mr. Winchester appointed on the part of the Council.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council agree to your proposal of appointing a joint and standing committee of propositions and grievances, and on their part appoint Mr. Winchester.

Received from the House of Representatives, a bill to admit attornies at law to practise and plead in the superior and county courts within the Territory south of the river Ohio, endorsed, 'Read the first time and passed ;' which being read, was amended, passed a second time, and returned.

Also, a bill to establish a University in Greene county, in the Territory south of Ohio—and

A bill directing the mode of authenticating powers of attorney and obligations, for the conveyance of land in certain cases, and authorising

executors and administrators to make conveyances, each endorsed, 'Read the first time and passed'—which were read the first time, passed and returned.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council,

The House of Representatives agree to your proposition of appointing a committee for the purpose of drawing up a tax-bill, and appoint on our part Messrs. White and Cocke.

Adjourned till to-morrow, 9 o'clock, A.M.

SATURDAY, AUGUST 30, 1794.

Met according to adjournment.

Received from the House of Representatives a message, accompanying a report of the committee of propositions and grievances, endorsed, 'Read and concurred with ;' which being read was concurred with and returned.

A message from the House of Representatives :

Mr. President and Gentlemen,

We propose that a joint committee be appointed to draw up in general fee-bill, and for that purpose appoint on our part Messrs. White, Doherty, Hardin, Rutledge and Cocke, to act with such gentlemen as you may appoint.

Received from the House of Representatives, the memorial of Joshua Hadley, endorsed, 'Read and referred to the committee of propositions and grievances'—which was read and referred to the same committee.

Received also, a bill for the relief of such persons as have been disabled by wounds, or rendered incapable of procuring assistance for themselves, &c. endorsed, 'read a second time and passed.'

Ordered that this bill be read, which being read, was passed the third time and returned.

A bill for the relief of such persons as have suffered, or may suffer, by their grants, deeds, and mesne conveyances not being proved and registered within the time heretofore appointed by law, endorsed, 'read the second time, amended and passed'—which being read, on motion to agree to the amendment of the House of Representatives, it passed in the negative.

A bill establishing the toll of certain mills, endorsed, 'read the second time, amended and passed'—which being read, was, on motion, rejected.

Also, a bill directing the mode of authenticating powers of attorney, &c. endorsed, 'read the second time, amended and passed.'

A bill to admit attorneys at law to practice, &c. endorsed, 'read a second time and passed.'

A bill to establish a University in Greene county, in the Territory south of the river Ohio, endorsed, 'read a second time and passed.'

Ordered, that this bill be read, which being read, was amended, passed the second time and returned.

Adjourned till Monday 9 o'clock, A.M.

MONDAY, SEPTEMBER 1, 1794.

Met according to adjournment.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council do not agree to your amendment to the bill for the relief of such persons who have suffered or may suffer by their grants, deeds, and mesne conveyances not being proved, &c.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council,

We propose that a committee be appointed to confer with the Governor what shall be the enacting stile to our laws, for which purpose, we appoint Messrs. White, Wear, Hardin, and Cocke, to act with such gentlemen as you may appoint.

Concurred with—and ordered that the following message be sent to the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council agree to your proposition in appointing a committee to confer with the Governor; concerning the enacting stile of the laws to be passed, and on their part appoint Mr. Sevier.

Received from the House of Representatives, a bill to alter the time of holding courts of law and equity in this Territory, endorsed, 'read the first time and passed'—which being read was passed the first time, and returned.

A message from the House of Representatives accompanying the report of the committee of propositions and grievances, to whom was referred the memorial of Joshua Hadley, surviving officer of Evans's battalion, to wit :

That the said battalion was raised on the faith of the State of North Carolina as appears by their act of 1786, and was destined for the protection of their then frontiers (Mero District). That the soldiers thereof did their duty faithfully, and in discharging the same, many of them lost their lives, but have received no part of their pecuniary pay.

Your committee further report, that it would be dishonorable and iniquitous for the government of this Territory not to pay these troops, had its public faith been pledged for that purpose, nor could the failure of any particular fund have in that case been with propriety alleged as a pretext to evade the debt.

Your committee are forced to call to remembrance that this Territory has never been protected in a state of peace and security, without which it was not reasonable to expect from it finances equal to the payment of such troops as the State of North Carolina might think proper to enlist; besides that the inhabitants of this country contributed equally with said battalion to afford security and peace to the interior parts of North Carolina.

Your committee also remark, that the most natural fund for the payment of the soldiers aforesaid, would have been derived from the vacant land which these soldiers helped to protect and secure, which fund has

been disposed of for other purposes by the government who raised the battalion; that as for any other fund established for this payment by the State of North Carolina, if such fund has not proved effectual, the default did not arise from any misconduct in this government, or in the citizens thereof, but either through the neglect of the officers in that State, or the deficiency might be fairly ascribable to this, that the lands on which the taxes ought to have been collected, were chiefly in the hands of the citizens of North Carolina, whose absence from the Territory enabled them to evade the taxes imposed on and paid by the people of this Territory.

Finally, we are of opinion that the government is bound by no express contract with the said soldiers, so neither do we see any equitable circumstances which ought to induce this assembly to discharge a debt contracted by, and justly due from the State of North Carolina.

JOHN TIPTON, *Chairman*.

Read and concurred with.

Mr. Sevier made the following report, viz :

The committee appointed to meet in conference with the Governor and a committee of the Legislative Council, report that the stile to be observed in the titles of acts should be as follows, viz : *Be it enacted by the Governor, Legislative Council, and House of Representatives.*

They further report, that all bills be sent to the Governor after the second reading, for him to offer such amendments as he may think proper, and not again, until the bill is engrossed for his assent.

JOHN SEVIER, *Chairman*.

With which report the Council concurred, and ordered that the following message be sent to the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives :

The Council concur with the report of the committee of conference with the Governor respecting the enacting stile of our laws, &c.

Adjourned until to-morrow, 9 o'clock, A. M.

TUESDAY, SEPTEMBER 2, 1794.

Met according to adjournment.

A message from the House of Representatives, informing that they do not concur with the report of the committee of conference with the Governor; and proposing that the enacting stile of the laws shall be, 'The General Assembly of the Territory South of the river Ohio.'

The Council, taking the foregoing message into consideration, adhere to their concurrence to the report of the committee of conference; and ordered that the following message be sent to the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives :

In pursuance with your proposition, the Council appointed one of its members to join such members as you had appointed for that purpose, to wait on his Excellency, the Governor, and with him to confer what should be the enacting stile of our laws.

That committee reported, and with which report the Council concurred.

Your message of this day informs them that you do not concur with the report of that committee.

The Council still adhere to their concurrence with the first part of that report, for the following reasons : that the ordinance of Congress expressly declares ' that the General Assembly shall consist of the Governor, Legislative Council, and House of Representatives,' and that all laws shall be passed by the Governor, Legislative Council, and House of Representatives,

Received from the House of Representatives, a bill empowering the courts of counties within this Territory to erect a court house, prison, stocks, &c., endorsed ' read the second time and passed ;' which was read the first time, passed and returned.

Also, a bill to alter the time of holding the courts of law, &c., endorsed ' read the second time, amended and passed ;' which being read, was passed a second time and returned.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council :

This House concurs with the first part of the report of the committee appointed to confer concerning the enacting stile of our laws.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council :

This house upon reading for the third time the bill for the relief of such persons who have suffered or may suffer by their grants, &c., not being registered, &c., cannot agree to pass the bill without striking out the proviso ' that nothing in this act contained shall be so construed as to admit to record or registration, or ratify any grant or grants heretofore made in Lord Granville's office ;' and if the Council agree to this amendment, they will send one of their members to see it made.

With which the Council do not agree ; and ordered that the following message be sent to the House of Representatives :

Mr. Speaker and Gentlemen :

The Council do not concur in striking out the proviso in the bill for the relief of such persons who have suffered, or may suffer by their grants, &c., not being registered, &c., as by you proposed.

The Council propose that managers may be appointed on the disagreement, and on their part appoint Mr. Sevier.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council :

This House, on reading for the third time the bill for the relief of such persons as have been disabled by wounds, or rendered incapable of procuring for themselves and families subsistence, &c., propose that those words near the close of the first section, be deled, to wit : ' by the Speaker and President of both Houses ;' and that the following words be inserted in their place : ' by the Governor, President of the Council, and Speaker of the House of Representatives.'

Read and concurred with.

Mr. Sevier, from the conference with the managers of the House of Representatives, made the following report :

That the House of Representatives agree to withdraw their proposition in striking out the proviso in the bill for the relief of persons who have suffered, &c., by their grants not being registered, &c.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council :

We propose to ballot to-morrow at 10 o'clock, at the court house, for a delegate to Congress ; and on our part appoint Messrs. Taylor and Doherty, to superintend the balloting:

Concurred with, and Mr. Taylor appointed on the part of the Council to superintend the balloting.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen :

The Council concur with your amendment to the bill for the relief of such persons as have been disabled by wounds, &c.

Adjourned till to-morrow 9 o'clock, A. M.

WEDNESDAY, SEPTEMBER 3, 1794.

Met pursuant to adjournment.

The bill to establish a college in Greene county, was read the third time, passed and ordered to be engrossed.

Received from the House of Representatives a bill to establish the jurisdiction of a single justice of the peace, &c., endorsed, read the second time, amended and passed.

Ordered, That this bill be read ; which being read, was passed a second time and returned.

Received from the House of Representatives a message, accompanying the report of the committee appointed to superintend the balloting for a member to Congress.

The committee who was appointed to superintend the balloting for a member to represent this Territory in Congress, report that they have conducted the aforesaid election, and on taking the polls, it appears that James White, Esq., is legally elected by a majority of both Houses. All which is submitted,

PARMENAS TAYLOR,
GEORGE DOHERTY,
LEEROY TAYLOR.

Concurred with.

Received also, a bill empowering the courts of each county in this Territory to erect a court house, &c., endorsed, read a second time and passed.

Ordered, that this bill be read, which being read, was rejected.

Adjourned till to-morrow 9 o'clock, A. M.

THURSDAY, SEPTEMBER 4, 1794.

Met according to adjournment.

Mr. Winchester, from the committee to whom was referred the petition of the people called Quakers, reported that the said petition ought to be referred to the committee of propositions and grievances.

Concurred with.

On motion, Mr. Winchester was appointed on the part of the Council to examine engrossed bills, and to present the same to his Excellency, the Governor for his assent.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen :

The Council propose that one member be appointed from the Council, and one from the House of Representatives, to examine engrossed bills and present the same to his Excellency the Governor for his assent, and have appointed Mr. Winchester on their part for that purpose.

Mr. Sevier moved for leave to withdraw for amendment, the bill to admit attorneys at law to practice and plead in the superior and county courts, &c ; which was granted.

Mr. Sevier, from the committee appointed for that purpose, presented a bill to establish a system of court laws ; which was ordered for the first reading to-morrow.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council :

We herewith send you the report of the committee of propositions and grievances, with which this House concurs, and propose that a joint committee be appointed to draw up a memorial to Congress, agreeable to said report, and on our part appoint Messrs. White, Cocke, Doherty, Kelly and Wear for that purpose, to act with such gentlemen as you may appoint.

The committee of propositions and grievances delivered the following report :

Your committee to whom was referred the petition of William Evans, report that this petition, praying for compensation for a negro put to death under the jurisdiction of the State of Franklin, cannot be complied with.

On the petition of the inhabitants south of French Broad, your committee report that the said inhabitants ought to have all the assistance in the power of this General Assembly to give towards securing them in their improvements. That as the disposal of the soil rests in Congress, it will be proper for this Assembly to draw up a memorial to that body, stating the facts as may induce them to secure the said inhabitants in a right of pre-emption, and pray that an act of Congress may be passed for that purpose.

Concurred with, and Mr. Sevier and Mr. Taylor appointed on the part of the Council.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council :

The House of Representatives agree to your proposition in appointing a member from each House, to examine engrossed bills and present the

same to his Excellency Governor Blount for his assent, and on our part appoint Mr. White to act with Mr. Winchester.

Mr. President and Gentlemen of the Council :

This House have added Messrs. Kelly, Wear and Doherty, to the committee of propositions and grievances.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen of the House of Representatives :

The Council concur with your proposition in appointing a committee to draw up a memorial to Congress on the petition of the people south of French Broad, and have appointed Mr. Sevier and Mr. Taylor on their part for that purpose.

Received from the House of Representatives, a bill for extending the line between the county of Sullivan and Hawkins, endorsed, ' read the first time and passed.

Ordered, that this bill be read, which being read the first time, was passed and returned.

Adjourned until to-morrow, 7 o'clock, A.M.

FRIDAY, SEPTEMBER 4, 1794.

Met according to adjournment.

Sent to the House of Representatives the following messages :

Mr. Speaker and Gentlemen,

The Council concur with the report of the committee to whom was referred the petition of the people called Quakers, viz: That it ought to be referred to the committee of propositions and grievances.

Mr. Speaker and Gentlemen of the House of Representatives,

The Council have entered into the following resolution, with which they request your concurrence, to wit: *Resolved*, That the Governor be authorised and requested to cause a new census of the people to be made, on the last Saturday in the month of July, 1795, in the same manner as the census was made by his order in the year 1791,, to the end that representation may be apportioned to population in the respective election districts or counties.

The President laid before the Council, a letter from Daniel Smith, Esq., Secretary of this Territory, covering an account of monies received and expended as treasurer, in pursuance of an act passed by the Governor and Judges, on the 13th day of March, 1793, which being read, on motion, resolved, that the said letter and account be referred to a committee of the Council and House of Representatives, and that Mr. Sevier be appointed on the part of the Council.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

We herewith send you a letter from Daniel Smith, E-q., secretary of the Territory, covering an account of monies received and expended as treasurer, in pursuance of an act passed by the Governor and Judges, the 13th day of March 1793; and propose, that a joint committee be appointed

to take the same into consideration. The Council appoint on their part Mr. Sevier.

Received from the House of Representatives, a bill for ascertaining what property in this Territory shall be deemed taxable property, the method of assessing the same, collecting, &c.

And, a bill for authenticating deeds, bills of sale, and powers of attorney, each endorsed, 'read the first time and passed.'

Ordered that these bills be read; which being read, passed the first time and returned.

A bill for extending the line between the counties of Sullivan and Hawkins, endorsed, 'read a second time and passed.'

Ordered to be read, which being read was rejected.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council,

The House of Representatives concur with the resolve entered into by the Council, in authorising and requesting the Governor to cause a *new census* of the people to be made, &c. and propose the following proviso; and that a statement thereof be laid before the succeeding assembly, to judge of such apportionment.

Which being read was non concurred with—and the following message sent to the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council do not concur in adding the proviso to their resolution, as by you proposed, but propose that the following words be added to the resolution, after 1791; and lay the same before the next General Assembly.

On motion of Mr. Sevier the following message was sent to the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives,

As doubts have arisen whether the laws of North Carolina are now in force in this Territory, the Council propose meeting the House of Representatives at such time and place as they may appoint, to take into consideration the said subject.

Received from the House of Representatives, the following messages :

Mr. President and Gentlemen of the Council,

We herewith send you the petition of sundry of the inhabitants of Jefferson county, which has been read in this House, and referred to the committee of propositions and grievances.

Mr. President and Gentlemen of the Council,

We herewith send you the petition of Nathaniel Evans which has been read in this House, and referred to the committee of propositions and grievances.

Mr. President and Gentlemen of the Council,

We herewith send you the petition of Christopher Haynes, which was referred to the committee of propositions and grievances.

Mr. President and Gentlemen of the Council,

We concur with your amendment to the resolution of your House as by you proposed, for taking the census of the people of this Territory.

Mr. President and Gentlemen of the Council,

We concur with your proposition in the two Houses meeting and to take into their consideration, whether the laws of North Carolina are now in force and use in this Territory; and propose that the conference be at four o'clock, at the court house.

Mr. President and Gentlemen of the Council,

We concur with your proposition in appointing a joint committee to take into consideration the subject of the letter of Daniel Smith, Esq., and for that purpose appoint on our part Messrs. White, Cocke, Doherty, Hardin, and Wear, to act with Mr. Sevier.

Adjourned until to-morrow, 7 o'clock, A.M.

SATURDAY, SEPTEMBER 6, 1794.

Met according to adjournment.

The bill to establish courts of law, and for regulating the proceedings therein—and

The bill to establish a militia in this Territory, were read the first time and passed.

A message from the House of Representatives:

Mr. President and Gentlemen of the Council,

We herewith send you the report of the committee of propositions and grievances with which this House concurs.

The committee of propositions and grievances, *Report*, that it is their opinion, the petition of divers inhabitants of the county of Washington, praying to be relieved from the penalties of the law that may be inflicted on them, on account of a certain trespass, ought not to be complied with. That the prayer of the people of Knox on the south side of the river, praying a new county is just and reasonable. That the petition of a number of the inhabitants of Jefferson county, praying a division of that county, is reasonable.—That the petition of the people called Quakers, as far as it is reasonable, will be provided for in the militia law now before a committee.—That the prayer of certain soldiers, under captain Nathaniel Evans, praying compensation for their horses taken by the Indians, is a subject, that your committee is of opinion, could be more properly laid before Congress; but that it cannot be granted by this assembly, notwithstanding the high sense we entertain of the bravery of those soldiers in defending themselves against a great superiority of enemies.

JOHN TIPTON, *Chairman.*

Received from the House of Representatives a bill for the establishment of college in the vicinity of Knoxville, endorsed, 'read the first time and passed'—which was read the first time, passed and returned.

Also, a bill ascertaining what property shall be deemed taxable property, &c., endorsed, 'Read the second time and passed.'

The bill directing the mode of authenticating powers of attorney, was read the second time and rejected.

Adjourned till Monday 9 o'clock, A. M.

MONDAY, SEPTEMBER 8, 1794.

Met according to adjournment.

The bill directing the mode of authenticating powers of attorney, and authorizing executors to make conveyances, was read the third time; and on motion to amend the bill, it passed in the affirmative; and ordered, that the following message be sent to the House of Representatives:

Mr. Speaker and Gentlemen of the House of Representatives

The Council propose, that the bill to authorize executors and administrators to make conveyances, be amended in the following manner, viz:

That the word 'five,' in the 9th line of the 3rd section, be altered to 'three,' as it formerly stood in the bill, and that the following be added to the bill, viz:

SEC. 7. *And be it further enacted,* That in all cases where judgment and execution are obtained against the estate of any person or persons whatever, where the real estate of the debtor may be charged, it shall and may be lawful for the sheriff to levy execution on any entry or entries, location or locations, held by the debtor or debtors, and sell the same in the same manner as lands held by deed or grant. And on all such sales made, pursuant to this act, the mode of conveyance shall be by an assignment of the warrant or warrants, and by transferring of the entries and locations by the sheriff of the county where such lands are situated.

That the caption of the bill be as follows: 'A bill to authorize executors, administrators and sheriffs, to make conveyances.'

If the House of Representatives agree to these amendments, they will send two of their members to see them made.

Mr. Winchester moved for leave to absent himself from the service of the Council, during the present session, which was granted.

A message from the House of Representatives:

Mr. President and Gentlemen of the Council,

We herewith send you a resolve entered into by this house, in favor of James White, Esq:

Resolved, That James White, Esq., be allowed the sum of two hundred and twenty-seven dollars, for his services rendered the public, in carrying forward and presenting the memorial of the Representatives of the people of this Territory to Congress.

Concurred with; and ordered that the following message be sent to the House of Representatives:

Mr. Speaker and Gentlemen of the House of Representatives,

The Council concur with the resolution of your House, allowing James White, Esq., a compensation for his services in carrying forward and presenting the memorial of the Representatives of this Territory to Congress.

A bill for the establishment of Blount college, was read the second time, amended and passed.

Received from the House of Representatives a declaratory bill respecting the laws of North Carolina, as to their being in force and use in this Territory, endorsed, 'read the first time and passed.'

Ordered, that this bill be read, which being read, was passed the first time and returned.

The bill to authorize executors, administrators and sheriffs, to make conveyances, was read the third time, amended, passed and ordered to be engrossed.

The bill to alter the time of holding courts of law and equity, was read the third time, passed, and ordered to be engrossed.

Adjourned till to-morrow 9 o'clock, A. M.

TUESDAY, SEPTEMBER 9, 1794.

Met according to adjournment.

Received from the House of Representatives a bill to establish courts of law, and for regulating the proceedings therein, endorsed, 'read the first time and passed.' *Ordered* to be read, which being read, was amended, passed a second time, and returned.

Received from the House of Representatives a bill of pardon and oblivion, endorsed, 'read the first time and passed.'

Ordered, that this bill be read; which being read, was rejected.

The bill to ascertain the several officers' fees therein mentioned, was read the first time and passed.

On motion, resolved, that the following clause be added to the resolution of the House of Representatives of yesterday, in favor of James White, Esq., and that the following message be sent to the House of Representatives:

Mr. Speaker and Gentlemen of the House of Representatives,

The Council have entered into the resolution herewith sent, in amendment to that entered into yesterday in favor of James White, Esq., with which they request your concurrence.

Resolved, That Daniel Smith, Esq., be directed to pay James White, Esq., the sum of two hundred and twenty-seven dollars, as allowed him by the resolve of yesterday, deducting one hundred and fifteen dollars advanced, which shall be allowed the said Daniel Smith in the settlement of his accounts.

Mr. Taylor was appointed to examine engrossed bills, in the room of Mr. Winchester, who had leave of absence.

Adjourned till to-morrow 9 o'clock.

WEDNESDAY, SEPTEMBER 10, 1794.

Met according to adjournment.

Received from the House of Representatives, a bill providing for the payment of such debts as are due to persons for services performed in cutting a road to Cumberland, &c.

A bill to authorize the drawing a lottery in the district of Mero, for the purpose of raising a fund for creating a district gaol and stocks in the town of Nashville. And

A bill for dividing Washington county into two district counties, each endorsed, 'read the first time and passed.'

Ordered, that these bills be read ; which being read, were passed the first time and returned.

Also, a bill to establish Blount college in the vicinity of Knoxville, endorsed, " read the third time and passed. "

Ordered, that this bill be read ; which being read, was passed the third time and ordered to be engrossed.

Received from the House of Representatives the following message :

Mr. President and Gentlemen of the Council,

We herewith send you a resolution entered into by this house in favor of William Cocke, Esq.

Resolved, That William Cocke, Esq., having acted as attorney for the district of Washington, be permitted to receive the sum of two hundred and fifty dollars, out of the fines to be collected, and which have been imposed during the time he acted as attorney for the district aforesaid ; and to be accountable to the future legislature of this Territory, when Congress makes provision to pay him for his services as attorney for said district.

Read and non-concurred with ; and on motion, ordered, that the following message be sent to the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council do not concur with the resolution by you entered into in favor of William Cocke, Esq. But have entered into the resolution herewith sent, with which they request your concurrence.

Whereas, William Cocke, Esq., having served and acted as state attorney for the district of Washington, for which there is not as yet any provision made by law ;

Resolved, by the Governor, Legislative Council, and House of Representatives, That William Cocke, esquire, be allowed and permitted to take and receive the sum of two hundred and fifty dollars out of the fines to be collected, or which have been collected, and which have been imposed during the time he acted as attorney for the district aforesaid ; which sum is to be refunded to any future legislature, in case the Congress of the United States shall make provision to pay him for services as attorney for said district.

Received from the House of Representatives the following messages :

Mr. President and Gentlemen of the Council,

This House agrees to your amendment to the resolution in favor of William Cocke, esq.

Mr. President and Gentlemen of the Council,

We herewith send you the petition of sundry inhabitants of the counties of Knox, Jefferson, and Hawkins, which has been referred to the committee of propositions and grievances.

Mr. President and Gentlemen,

This house concurs with your amendment to the resolution in favor of James White, esq.

Mr. Donelson moved for leave, and presented a bill to divide the county of Jefferson into two distinct counties, which was read the first time and passed.

The bill for establishing a militia in this Territory, was read a second time, amended and passed.

Mr. Donelson, from the committee appointed to make an estimate of the expenses for the year 1794, reported, that the probable expenditures for said year, will amount to two thousand three hundred and ninety dollars.

The bill for ascertaining what property in this Territory shall be deemed taxable, &c., was read the second time amended and passed.

Mr. Taylor moved for leave and presented a bill, directing the clerks of the several courts of record in this Territory, as to their duty in office with respect to issuing writs, which was read the first time and passed.

Adjourned until to-morrow 9 o'clock, A. M.

THURSDAY, SEPTEMBER 11, 1794.

Met according to adjournment.

Received from the House of Representatives, a bill for dividing Knox county :

A bill to empower the Justices of Hawkins county to lay a tax for the purpose of erecting a court house, prison and stocks in said county, each endorsed read the first time and passed.

Ordered, that these bills be read, which being read were passed the first time and returned.

Received from the House of Representatives a bill to authorize the drawing a lottery in the district of Mero—And a bill to empower the justices of Hawkins county to lay a tax for the purpose of erecting a court house, prison and stocks, each endorsed, ' read a second time and passed. '

Ordered, that these bills be read, which being read, were passed the second time and returned.

Also, a bill for dividing Knox county into two distinct counties, endorsed, ' read the second time and passed. ' Which being read was rejected.

Received also, a bill to divide Jefferson county into two distinct counties—And a bill directing the clerks of the several courts of record as to their duty in office, &c. endorsed, ' read the first time and passed. '

Ordered, that these bills be read ; which being read, were passed the second time and returned.

Adjourned till to-morrow 9 o'clock, A. M.

FRIDAY, SEPTEMBER 12, 1794.

Met according to adjournment.

Received a bill to regulate and ascertain the several officers fees therein mentioned, endorsed, ' read the second time, amended and passed.—Which being read, on motion, Mr. Donelson had leave to withdraw the same for amendment.

Also, a bill to ascertain what property in this Territory shall be deemed taxable property, &c. endorsed, read the third time & passed.

Mr. Sevier moved for leave, and presented a bill for appointing commis-

sioners in the district of Washington, for the purpose of erecting a court house, prison and stocks, &c. which was read the first time and passed.

On motion of Mr. Sevier, the following resolution was entered into :

Resolved, that the act of Congress intituled, 'An act to accept a cession of the claims of North Carolina to a certain district of Western Territory.'—The Ordinance of Congress of the 13th of July, 1787, intituled, 'An ordinance for the Government of the Territory of the United States North West of the river Ohio—The ordinances of the Governor, and the acts of the Governor and Judges, be published with the acts of the present session.

Ordered, That the following message be sent to the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives,

We herewith send you a resolve entered into this day, directing certain acts of the Governor and Judges of this Territory, and the ordinance of Congress of July 1787, to be printed with the acts of the present session, with which we request your concurrence.

Received from the House of Representatives, the following message :

Mr. President and Gentlemen of the Council;

Herewith we send you the report of the committee appointed to draw up an address to Congress, in favor of the inhabitants south of French Broad, with which this house concurs.

Which being read, was concurred with.

Received also the following message :

Mr. President and Gentlemen of the Council,

We propose that a joint committee be appointed to draw up an address to his Excellency Governor Blount, relative to the continuance of Indian hostilities. This house appoint Messrs. White and Wear.

Concurred with, and Mr. Sevier appointed on the part of the Council.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen of the House of Representatives :

The Council concur with your proposition in appointing a committee to draw up an address to his Excellency Governor Blount, relative to the continuance of Indian hostilities ; and have appointed Mr. Sevier.

The Council also concur with the report of the committee appointed to draw up an address to Congress.

Received from the House of Representatives a bill for dividing Washington county into two distinct counties, endorsed, read the second time and passed.—Which being read, was amended, passed the second time and returned.

Adjourned until to-morrow 9 o'clock, A. M.

SATURDAY, SEPTEMBER 13, 1794.

Met according to adjournment.

Received from the House of Representatives a bill for dividing Washington county, &c. endorsed, read the third time, amended and passed—and a bill directing the clerks of the several courts of record in this Ter-

ritory, as to their duty in office, &c. endorsed, 'read the second time passed.'

Ordered, that these bills be read, which being read the former was, on motion, rejected—and the latter amended and passed the third time.

Received also, a bill to authorise the drawing a lottery in the district of Mero for raising a fund for erecting a district gaol and stocks in Nashville, endorsed, read the third time, amended and passed.

Ordered, that this bill be read, which being read, was passed the third time and ordered to be engrossed.

Received from the House of Representatives a bill for appointing commissioners in the district of Washington—and a bill to authorise the raising a fund for discharging the cost of cutting and clearing a waggon road from Holston to Cumberland, &c. each endorsed, read the first time and passed.

Ordered, that these bills be read; which being read, the former was amended and passed the second time, and the latter the first time and returned.

Adjourned till Monday 9 o'clock, A. M.

MONDAY, SEPTEMBER 15, 1794.

Met according to adjournment.

The President laid before the Council, a bill for the collecting, payment of, and accounting for the public taxes, which was read the first time and passed.

Received from the House of Representatives, a bill to authorise the raising a fund for discharging the cost of cutting a waggon road from Holston to the Cumberland settlements, endorsed, 'read the second time and passed.'

Ordered, that this bill be read, which being read, was passed the second time and returned.

Adjourned until to-morrow, 9 o'clock, A. M.

TUESDAY, SEPTEMBER 16, 1794.

Met according to adjournment.

On motion, Mr. Sevier had leave to withdraw for amendment the bill to establish courts of law, &c.

Received from the House of Representatives, a bill to divide the county of Jefferson into two distinct counties, endorsed, 'read a second time and passed—and a bill authorising the raising a fund for cutting a road from South West Point to the settlements on Cumberland, endorsed, read the third time, amended and passed.

Ordered, that these bills be read, which being read the former was amended, passed the third time and returned, and the latter passed the third time and ordered to be engrossed.

Also, a bill to authorise the justices of Hawkins to lay a tax, &c. endorsed, 'read the third time and passed'—and a bill for the collecting, pay-

ment of, and accounting for the public taxes, endorsed, 'read the first time and passed.'

Ordered, that these bills be read, which being read, the former was passed the third time and ordered to be engrossed; and the latter the second time and returned.

Adjourned until to-morrow, 10 o'clock, A. M.

WEDNESDAY, SEPTEMBER 17, 1794.

Met according to adjournment.

Received from the House of Representatives, a bill appointing commissioners to run the dividing line between the counties of Hawkins and Sullivan, and the dividing line between the counties of Knox and Hawkins, endorsed, 'read the first time and passed.'

Ordered, that this bill be read, which being read, was passed the first time and returned.

Mr. Donelson, who had leave to withdraw for amendment, the bill to regulate and ascertain the several officers fees therein mentioned, presented the same with the amendments, which was read the third time and sent to the House of Representatives.

Received from the House of Representatives, a bill for establishing the county of ———, endorsed, 'read the first time and passed.'

Ordered, that this bill be read; which being read was passed the first time and returned.

Also, a bill to establish a militia in this Territory, endorsed, 'read a second time, amended and passed.'

Ordered, that this bill be read, which being read was amended, passed the third time and returned.

Adjourned till to-morrow 9 o'clock, A. M.

THURSDAY, SEPTEMBER 18, 1794.

Met pursuant to adjournment.

Received from the House of Representatives the following memorial, which was read and concurred with.

Territory of the United States south of the river Ohio.

The memorial of the Legislative Council and House of Representatives, to the Congress of the United States of America.

It appearing from the proceedings of your late session, upon the memorial of the Representatives of the people of this Territory, that both the Senate and House of Representatives agreed in the propriety and necessity of extending effectual protection to the exposed frontiers of this country, though they differed in the mode; we are induced to hope the subject will again be taken up at an early day of the approaching session, and that unanimity, as to the mode will take place.

We have now to inform you that since the date of that memorial, February 26th, the Creeks and Cherokees have not ceased to kill the citizens of the United States, resident in this Territory, nor to pillage the country,

but have continued to do both, as usual, with an unremitting hand; in proof of which we refer you to the annexed list of murders and thefts, committed since that period—We are truly sensible that the motives of government in forming treaties with those two nations, and in giving them large presents and annuities, have been, not the love of Indians, but with the hope that such proofs of friendship would produce a return of it on their part towards the citizens of the United States, and thereby a real peace and good understanding would be established between the parties. But, alas! we by dreadful experience know it has had a contrary effect,—Instead of viewing such conduct on the part of the United States, as an evidence of friendship towards them, they have considered it as an evidence of fear, or as a tribute paid to their superior prowess in war; and thus viewing it, it has served only to encourage them to kill additional numbers of your exposed fellow-citizens. Fear, not love, is the only means by which Indians can be governed; and until they in turn are made to feel the horrors of war, they will not know the value of peace, nor observe the treaties they may form with the United States.

In discharge of the duty we owe our constituents and ourselves, we have made to you this memorial, confiding that you, in discharge of that which you owe to yours and yourselves, will take measures to punish those two faithless and blood thirsty nations, the Creeks and Cherokees, according to the usage and custom of nations; and to secure the persons and property of the citizens of the United States, resident in this Territory.

GRIFFITH RUTHERFORD, P. L. C.

DAVID WILSON, S. H. R.

A list of the names of persons killed, wounded and captured since the 26th day of February, 1794.

March 9th. Samuel Martin, killed on a path leading from Henry's station to his father's house; and James Ferguson, on a path leading from John Craig's station.

12th. Four men killed on the Kentucky road, and one wounded.—Four men killed in Tennessee county, the particular days and names not known.

16th. John Wood wounded with four balls, about sun rise, on a path leading to the house of William Russell,—a leg was cut off.

20th. Charles Bratten, killed and scalped near the house of Maj. White in Sumner county.

21st. Near the house of Secretary Smith, Anthony Bledsoe the son of the late Col. Anthony Bledsoe, and Anthony Bledsoe, the son of the late Col. Isaac Bledsoe, were both killed by Indians and scalped—Their fathers were both killed by Indians, one in his own house, the other in his field—The same party of Indians captured a valuable negro fellow belonging to Secretary Smith.

In March, the day not precisely known, Double Head, a chief of the Cherokees, killed the family of one Wilson, consisting of women and children, believed to be eight in number, on the Rolling Fork of Salt river in Kentucky, except one boy, who is now in Double Head's possession, who declares he will not give him up.

Many other people have been killed on the southern frontiers of Kentucky, of whom no account has been obtained.

April 1. Thomas Sharp Spencer, was killed on the road leading from

Knoxville to Nashville, near the Crab Orchard, by Double Head, and James Walker wounded.

2d. William Green, a federal soldier, killed at Fort Grainger, the block house at the mouth of Holston, so called.

James R. Robertson, son of Gen. Robertson, and John Grimes, his nephew, killed on the Cumberland river, the day not known.

8th. The mother of Peter and Henry Livingston and two children killed, near Mocason Gap, and a negro taken.

19th. Travellers from Kentucky inform, that three persons were killed by Indians on the Kentucky road, near Middleton's station.

21st. Casteel, his wife, and four children were killed in his own house, at the dawn of day, within seven miles of Knoxville: At the same time a neighboring child, who happened to be at his house was dangerously wounded.

James M'Cown, killed at the house of the widow Hays, ten miles from Nashville—Mrs. Hays's husband had been killed a few months before.

May 26th. One of the spies on duty was wounded on Bledsoe's creek; and on the same day, on Station Camp creek, in the midst of a thick settlement, a party of Indians fired on Mr. Strawder and his son, at work, within one hundred yards of his own house, and killed and scalped the latter; the former fled to his house, the Indians pursued and wounded his wife as she opened the door to let him in.

June 11th. The wife of Mr. Gear was scalped by Indians within four miles of Nashville, on her way to church.—Hugh Webb and Joseph M'Adams, of Sumner county, were fired upon near the Dripping Spring, on the public road, on their way from the salt works with salt for their families; the former was killed and the latter badly wounded with three balls.—Robert M'Rory was killed in pursuit of the Indians who scalped Mrs. Gear.—Stephen Jones, was killed on the southern frontier of Jefferson county.—William Scott, John and James Pettigrew, Messrs. Tate and Young, and another man, three women and three children, were killed on the Tennessee, on board a boat bound for the Natchez, and 22 negroes taken prisoners.

July 3d. Isaac Mayfield was killed within four miles of Nashville.

July 24th. John Ish was killed and scalped in his field, 13 miles below Knoxville, on the south bank of Holston.

July 9th. Major Winchester was killed and scalped on the public road leading from his own house to Sumner court-house; he was a justice of the peace and on his way to court.

August 13th. They killed on the Cumberland road near the Crab Orchard, Paul Cunningham, Daniel Hitchcock, William Flannagan and Stephen Renfro, and wounded Abraham Bird.

14th. William Blackburn, one of the federal soldiers, and David F. Dearmond, of the militia on duty, were fired upon by about 15 Indians, the former was killed and the latter wounded slightly, near fort Grainger, 22 miles from Knoxville.

20th. A party of Indians attacked the Bull-Run block-house, 16 miles from Knoxville and were repulsed.

Allen Nolen, a lad of about 12 years of age, was killed 4 miles from

Nashville, on the plantation on which his father had been killed 6 years before.

24th. Robert Brigance was killed on a public road near Sumner courthouse.

Gabriel Simson was killed within 6 miles of Nashville, in the early part of July, on the plantation on which his father was killed.

September 6th. A negro woman taken prisoner, the property of Peter Turney, near Bledsoe's lick.

RECAPITULATION.

Killed,	-	-	-	-	-	-	-	-	-	-	67
Wounded,	-	-	-	-	-	-	-	-	-	-	10
Captives,	-	-	-	-	-	-	-	-	-	-	25

Horses stolen 374, at 50 dollars each, 18700 dollars.

Received from the House of Representatives a bill establishing a treasury department, endorsed, 'read the first time and passed;' which being read was passed the first time and returned.

Adjourned till to-morrow, 9 o'clock, A.M.

FRIDAY, SEPTEMBER 19, 1794.

Met according to adjournment.

Received from the House of Representatives, a bill appointing commissioners to run the dividing line between the counties of Hawkins and Sullivan, and the dividing line between the counties of Hawkins and Knox; and a bill to establish the county of Blount, each endorsed, 'read the second time and passed.'

Ordered, that these bills be read, which being read the former was passed the second time and returned, and the latter was, on motion rejected.

Adjourned until to-morrow, 9 o'clock, A.M.

SATURDAY, SEPTEMBER 20, 1794.

Received from the House of Representatives a bill for appointing commissioners in the district of Washington—and a bill establishing a Treasury Department, each endorsed, 'read the second time, amended and passed.'

Ordered, that these bills be read, which being read the former was passed the third, and the latter the second time and returned.

Also a declaratory bill respecting the laws of North Carolina, endorsed, read the second time and passed—a bill appointing commissioners to run the dividing line between the counties of Hawkins and Sullivan, and between Hawkins and Knox, endorsed, read the third time and passed.

Ordered, that these bills be read, which being read the former was passed the second time and returned, and the latter the third time and ordered to be engrossed.

Also, a bill to amend an act for establishing a militia in the state of North Carolina, endorsed, read the second time and passed.

Ordered, That this bill be read; which being read, was passed the second time and returned.

Mr. Sevier, who had leave to withdraw for amendment, the bill to admit attornies at law to practice and plead in the superior and county courts, presented the same with the amendments, which being read, was passed the third time and sent to the House of Representatives.

Adjourned till Monday 9 o'clock, A.M.

MONDAY, SEPTEMBER 22, 1794.

Met according to adjournment.

Mr. Sevier, who had leave to withdraw for amendment, the bill to establish courts of law, and for regulating the proceedings therein, presented the same, with the amendments, which being read was passed the third time, and sent to the House of Representatives.

Adjourned until to-morrow 9 o'clock, A.M.

TUESDAY, SEPTEMBER 23, 1794.

Met according to adjournment.

Received from the House of Representatives a message accompanying the estimate for the pay of the members of the general ssembly, their clerks, &c. with which this house does not concur.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council cannot agree to the estimate by you made for the payment of the members of the general assembly, their clerks and door-keepers : But in lieu thereof propose the following :

For each member per day,	2 50
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For each clerk, do.	2 50
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For each clerk for stationary,	25
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For each door-keeper, per day,	1 75
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Each member, clerk, and door keeper to be allowed for } ferriages.	
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Every 25 miles riding to and from the assembly,	2 50
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The Council propose that the estimate be made up to Saturday next inclusive.

Received from the House of Representatives a bill to enable sheriffs of counties to sell certain property suggested to be held by fraudulent conveyances, endorsed, ' read the first time, passed.'

Ordered, that this bill be read, which being read, was passed the first time and returned.

Mr. Sevier moved for leave and presented a bill for establishing Knoxville on the north bank of the Holston, which was read the first time, passed, and sent to the House of Representatives.

On motion, the following resolutions were entered into, and sent to the House of Representatives for concurrence :

Resolved, That it is the sense of this General Assembly, that two or more of the Judges, in discharge of their duty, should attend each and

every of the Supreme Courts of Law and Equity, if practicable, any law authorising one Judge, in the absence of the others, to hold the same notwithstanding.

Resolved, That the clerks of the Council and House of Representatives be directed to cause to be delivered to each of the Judges of the Supreme Court of Law and Equity, an authenticated copy of the above, and of this resolution.

Received from the House of Representatives the following message :

Mr. President and Gentlemen of the Council,

This house concurs with your message with respect to the estimate by you proposed, for the payment of the members of the general assembly, their clerks, and door keepers ; and also for the estimate to be made up to Saturday next inclusive.

Received from the House of Representatives the resolution respecting the judges of the superior courts, endorsed, 'concurred with.'

Received also a bill to enable sheriffs to sell certain property suggested to be held by fraudulent conveyances, endorsed, 'read the second time and passed.'

On motion, ordered, that the rule be dispensed with, and that this bill be read, which being read the second time, was rejected.

Received also, a bill establishing a treasury department, endorsed, read the third time and passed.

Ordered, That this bill be read ; which being read, was passed the third time and ordered to be engrossed.

Mr. Donelson moved for leave and presented a bill appointing commissioners in the county of Jefferson, for the purpose of erecting a court house, prison and stocks, &c., which was read the first time and passed.

WEDNESDAY, SEPTEMBER 24, 1794.

Received from the House of Representatives bill to establish Knoxville, on the north bank of the Holston, &c., endorsed 'read the first time and passed.'

Ordered, That these bills be read ; which being read, were passed the second time and returned.

Also, a bill to repeal so much of the act entitled an act requiring persons holding monies arising from fines and forfeitures, taxes on law proceedings, &c., as lays a tax on marriage licenses, and a bill for appointing commissioners in the county of Jefferson for the purpose of erecting a court house, prison and stocks, &c., each endorsed 'read the first time and passed.'

Ordered, That these bills be read ; which being read, the former was passed the first, and the latter the second time and returned.

Received also the following resolution :

Resolved, That James White, esquire, the representative of this Territory in Congress, be instructed to take an early opportunity of exhibiting to the President of Congress the additional list of one hundred and five of our fellow citizens, who have suffered by the Creeks and Cherokees since our memorial to Congress in the spring, in addition to the former innume-

nable and cruel acts of hostility with which this Territory has been insulted by those Indians; and to assure his Excellency that if the people of this Territory have borne with outrages which stretch human patience to its utmost, it has been through our veneration for the head of the federal government, and through the hopes we entertain, that his influence will finally extend to procure for this injured part of the Union, that justice which nothing but retaliating on an unrelenting enemy can afford.

Adjourned till to-morrow, 9 o'clock, A. M.

THURSDAY, SEPTEMBER 25, 1794.

Met pursuant to adjournment.

Received from the House of Representatives a bill for establishing Knoxville on the north bank of the Holston, &c., endorsed 'read the second time and passed.'

Ordered, That this bill be read; which being read, was passed the third time and returned.

Mr. Sevier moved for leave and presented a bill appointing a public printer, which was read the first time and passed.

Received from the House of Representatives a bill for appointing commissioners in the county of Jefferson, for the purpose of erecting a courthouse, prison and stocks, endorsed 'read the second time and passed.'

Ordered, That this bill be read; which being read, was passed the third time and returned.

Adjourned until to-morrow, 9 o'clock, A.M.

FRIDAY, SEPTEMBER 26, 1794.

Met according to adjournment.

Received from the House of Representatives, a bill for appointing a public printer—a bill empowering the several county courts in this Territory to lay a tax annually, &c., and a bill for ascertaining the fees for attornies at law in this Territory, each endorsed 'read the first time and passed.'

Ordered, that these bills be read, which being read, the first was passed the second time, and the two last the first time and returned.

Received also, a bill to repeal so much of the act requiring persons holding monies arising from fines and forfeitures, taxes on law proceedings, &c., as lays a tax on marriage licenses, endorsed 'read the second time and passed.'

Received also, a resolution of this House for adding the names of the persons killed and wounded since the date of the memorial of this assembly of the 15th instant, to the list contained in said memorial, endorsed 'read and concurred with.'

Received also, a bill for the collecting, payment of, and accounting for the public taxes—a bill for appointing a public printer, each endorsed 'read a second time and passed.'

Ordered, that these bills be read, which being read, were amended, passed the third time and returned.

Received also, a bill for ascertaining the fees of attornies at law in this

Territory—and a bill empowering the several county courts to lay a tax annually, &c., each endorsed 'read the second time and passed.'

Ordered, that these bills be read, which being read, the former was, on motion, rejected; and the latter passed the second time and returned.

Mr. Donelson moved for leave and presented a bill to repeal an act of the Governor and Judges, passed November 20, 1792, entitled an act authorizing the courts of the several counties to lay a tax for repairing or building of court houses, &c., which was read the first time and passed.

Ordered, that the following message be sent to the House of Representatives:

Mr. Speaker and Gentlemen of the House of Representatives,

We propose that the clerks be allowed for drawing and engrossing bills the sum of three dollars and thirty three and a third cents, except for the court bill, for which we propose allowing fifteen dollars, with which we request your concurrence.

Adjourned till to-morrow 7 o'clock, A. M.

SATURDAY, SEPTEMBER 27, 1794.

Met according to adjournment.

Received from the House of Representatives a bill to repeal so much of the act, entitled an act requiring persons holding monies arising from fines and forfeitures, taxes on law proceedings, &c., as lays a tax on marriage licenses, endorsed 'read the third time and passed.'

Ordered, that this bill be read; which being read, was passed the third time and ordered to be engrossed.

Received from the House of Representatives the following message:

Mr. President and Gentlemen of the Council,

The House of Representatives do not concur with your message with respect to paying the clerks for drawing and engrossing bills; but propose that they be allowed two dollars and fifty cents for drawing and engrossing each bill, except the court bill, for which they shall receive twelve dollars.

Received also, a bill to amend an act establishing a militia in the state of North Carolina, &c., endorsed 'read the second time, amended and passed.'—And a bill to repeal an act of the Governor and Judges, passed November 20, 1792, entitled an act authorising the courts of the several counties to lay a tax for building or repairing of court houses, prisons and stocks, &c., endorsed 'read the first time and passed.'

Ordered, that these bills be read, which being read, the former was, on motion, rejected, and the latter passed the second time and returned.

Mr. Sevier moved for leave and presented a bill declaring the county of Sevier a part of the district of Hamilton, &c., which was read the first time and passed.

Received from the House of Representatives a resolution for applying two hundred pounds of the money arising upon the sales of the salt licks in Mero district. Also, an address to his Excellency Governor Blount, requesting a guard for the members of the assembly from Mero district, and the families moving there.

Read and concurred with.

Received also, a bill to repeal an act of the Governor and Judges, passed Nov. 20, 1792, entitled, an act to authorize the courts of the several counties to lay a tax for repairing or building of court-houses, prisons and stocks, &c., and a bill declaring the county of Sevier a part of the district of Hamilton, &c., endorsed 'read the first time and passed.'

Ordered, That these bills be read; which being read, the former was passed the second, and the latter the third time and returned.

Received from the Governor the following message in answer to an address this day presented him.

Mr. President and Gentlemen of the Legislative Council, and

Mr. Speaker and Gentlemen of the House of Representatives:

The guard you request for the members of Mero district returning home, and the families moving to that district, will be ordered as you request, and will be in readiness early on Monday.

WM. BLOUNT.

Received from the House of Representatives, a bill empowering the several county courts to levy a tax, &c., endorsed 'read the third time and passed.'

Ordered, That this bill be read; which being read, was passed the third time and ordered to be engrossed.

On motion, the bill ascertaining what property in this Territory shall be deemed taxable property, &c., was read and amended.

Sent to the House of Representatives the following message:

Mr. Speaker and Gentlemen:

The Council, upon reading for the third and last time the bill ascertaining what property in this Territory shall be deemed taxable property, &c., have amended the same in the following manner, which if agreed to on your part, you will please send two of your members to see the alterations made.

Sect. 1. We have reinstated the clause for taxing all free males and male servants between the age of twenty one and fifty years. In the same section we have reinstated the word "ten" in the clause taxing slaves; and have struck out the clause taxing stud horses.

Sect. 2. Instead of twenty-five cents per hundred acres for land, we have set one-eighth of a dollar. In the same section, on each and every taxable negro poll fifty cents, instead of twenty-five cents; and on all taxable white polls twenty-five cents. On all town lots one dollar instead of fifty cents.

A message from the House of Representatives:

Mr. President and Gentlemen of the Council:

The House of Representatives agree with the Council to amend the clause in the first section, by reinstating the word "ten" in the clause taxing slaves; and in the second section, on each and every taxable negro poll, fifty cents in lieu of twenty five cents; and on all town lots, one dollar instead of fifty cents—But do not concur with the amendment; section first, in striking out the clause taxing stud horses; and which reinstates the clause for taxing all free males and male servants between the age of twenty one and fifty years; and in section second, for setting one eighth

of a dollar instead of twenty five cents per hundred acres for land ; and on all taxable white polls twenty five cents. This house cannot agree to pass the bill except such clauses as they object to are reinstated by the Council.

Ordered, that the following message be sent to the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council inform you, that they cannot agree to your proposition respecting the tax bill, wherein you wish to have the clause taxing white polls struck out, as they are of opinion a tax cannot with so much ease and convenience be collected any other way ; the method you propose being involved in uncertainty, and we fear will not be sufficiently productive. Further, we have to observe that it is incumbent on the assembly, and highly necessary to have a tax speedily collected, the want of which may produce consequences not easy to be surmounted, and very difficult to reconcile to the credit of our infant government. The Council agree to the tax proposed to be laid on stud horses ; but cannot agree to any other alteration in the bill.

Received from the House of Representatives the following message :

Mr. President and Gentlemen,

The House of Representatives cannot agree to your message respecting the tax bill ; but propose that there be a tax of twenty-five cents on each hundred acres of land, and twelve and an half cents on each and every white poll. They agree to your proposition in the tax of four dollars on each stud horse.

Which being read, the following message was ordered to be sent to the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council agree to your proposition respecting the tax bill, except that part which lays a tax of twenty five cents per hundred on land ; but propose that the tax on each hundred acres of land be twelve and an half cents, as it now stands in the bill.

Received from the House of Representatives the following message :

Mr. President and Gentlemen of the Council,

The House of Representatives cannot agree to your proposition respecting the tax bill, nor rescind in any degree from their former proposition of this day.

Which being read, on motion, the following message was returned :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council, upon mature consideration, after having made an estimate of the different objects of taxation, which they herewith send you, still adhere to their proposition in taxing land at one eighth of a dollar per hundred acres. They hope the House of Representatives, upon re-considering the subject, will agree to this proposition, as it is not the wish of the Council to draw more out of the pockets of their constituents, than will be necessary for the support of government.

It will be worthy the notice of the House of Representatives, that the tax on law proceedings has not heretofore been included in any estimate ;

and that there will be a contingent fund, arising from fines and forfeitures, not even included in this estimate.

	Dollars.
10,000 white polls at one eighth of a dollar - -	1,250
1,100 black ditto, at 50 cents - - -	550
100 stud horses, at 4 dollars - - -	400
200 town lots, at 1 ditto - - -	200
Taxes on law proceedings, grants, deeds, &c. -	750
1,000,000 acres of land, at one eighth of a dollar -	1,250
Total,	4,400

A message from the House of Representatives :

Mr. President and Gentlemen of the Council,

The House of Representatives do not concur with your message respecting the tax bill; and further add, that they cannot rescind from their former proposal of twenty five cents per hundred acres for land.

Adjourned till Monday 7 o'clock, A.M.

MONDAY, SEPTEMBER 29, 1794.

Met according to adjournment.

Received from the House of Representatives, a bill declaring the county of Sevier a part of the district of Hamilton, &c., endorsed 'read the second time, amended and passed'—which being read, was passed the third time and returned.

Received also the following resolutions :

Resolved, That where any clerk of a court, or other officer, has received the paper currency of North Carolina in payment of fines or other public dues, and shall pay the same into the hands of the treasurer, the said treasurer shall issue such paper currency at the rate of ten shillings to the dollar, upon all orders from the general assembly of this Territory, where the person or persons in possession of such order or orders are willing to receive the same.

Resolved, that James White, esquire, the delegate from this Territory to Congress, is hereby requested to use his endeavor that the pay-master or his deputy attend in the district of Mero, for the purpose of paying the militia of said district.

Which being read were rejected.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council propose to amend the tax bill as follows, to wit—That there be a tax of twenty five cents on each taxable poll, and eighteen cents on every hundred acres of land. If the House of Representatives will agree to this proposal, they will please send two of their members to see the bill amended conformably thereto.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council:

The House of Representatives concur with your proposition of laying

a tax of twenty five cents on each taxable poll ; but cannot agree to your proposition with respect to the land tax, and propose that there be a tax of twenty five cents per hundred, as it stood in the bill when it went from this house.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council accede to your proposition in taxing land at twenty five cents per hundred acres ; you will therefore send two of your members to see the amendments made accordingly.

Resolved, that George Roulstone be allowed twenty two dollars and fifty cents for drawing and engrossing nine bills.

Resolved, that William Maclin be allowed twenty two dollars and fifty cents, for drawing and engrossing nine bills.

Sent for concurrence.

Resolved, that fourteen of the principal artists belonging to any furnace for the manufactory of iron in this Territory be exempted from military duty, who shall not be called into service in case of insurrection or invasion unless his Excellency the Governor shall deem their services necessary.

Resolved also, that not more than four of the principal artists at any bloomery in this Territory, be exempted from military duty, who shall not be called out in case of insurrection and invasion, unless their services shall be deemed necessary by his Excellency the Governor.—Sent for concurrence.

Received from the House of Representatives the following resolution :

Resolved, that the Governor of this territory be requested to direct, that when the census is taken next June, the sense of the people may at the same time be enquired into, how far it may be their wish for admission into the union as a state.

Concurred with.

Adjourned till to-morrow 9 o'clock, A. M.

TUESDAY, SEPTEMBER 30, 1794.

Met according to adjournment.

On motion, the following resolutions were entered into :

Resolved, that the Cavalry of Hamilton district be organized and formed into a separate and distinct regiment of Cavalry, and that the same shall enjoy all the privileges and immunities that the other regiments of Cavalry in this Territory enjoy.

Resolved, that the clerks of the two houses furnish ten copies of the tax law, in order that they may be distributed one to each county in this Territory.

Resolved, that John Stone be allowed ten dollars for the use of the house now occupied by the Legislative Council.

Sent for concurrence.

Received from the House of Representatives the following resolutions :

Resolved, that James White be allowed five dollars for the use of the court house during the session of the assembly.

Resolved, that John Chisholm be allowed the sum of two dollars for his monies expended for the public service of this Territory, during the recess of the assembly.

Read and concurred with.

Received also, the following resolution :

Resolved, that the thanks of this general assembly be presented to Governor Blount, for the application of his abilities and attention in forwarding their business as Representatives; more especially in compiling and arranging the system of court law. And that there appears to be no more business before this assembly, his Excellency be requested to prorogue the same to the first Monday in October, 1794.

Received from the House of Representatives, a resolution in favour of the engrossing clerks, endorsed 'concurred with.'

Ordered, that the estimate of the pay of the members of the Legislative Council, their clerks and doorkeepers, be entered on the journal.

An estimate of the pay of the members of the Legislative Council, their clerks and doorkeepers, for their attendance at the General Assembly began and held at Knoxville, on Monday the 25th day of August, and ending September 30, 1794—also mileage and ferriage, allowing two dollars and fifty cents for every twenty-five miles travelling to and from the same.

				Dolls.	Cents.
Griffith Rutherford,	37 days,	322 miles.	4 ferries.	125	70
John Sevier,	37 do.	200 do.	2 do.	112	16 2-3
Stockley Donelson,	37 do.	130 do.	4 do.	105	83 1-3
James Winchester,	15 do.	312 do.	4 do.	69	70
Parmenas Taylor,	37 do.	102 do.	2 do.	102	86 2-3
G. Roulstone, clerk,	37 do.			92	50
Ditto for stationary } and engrossing. }				47	50
Wm. Maclin, clerk,	37 do.	380 do.	4 do.	131	50
Ditto for stationary } and engrossing. }				47	50
C. Shoat, doorkeeper,	37 do.			64	75
Tho. Bounds, do.	34 do.	12 do.		60	70
John Stone, for house rent,				10	
				Dollars,	970 71 2-3

Received from his Excellency Governor Blount the following message :

Mr. President and Gentlemen of the Legislative Council, and

Mr. Speaker and Gentlemen of the House of Representatives :

While your vote of thanks of this day affords a proof of your liberality, it offers me the highest reward for such attention as I have had in my power to pay the court and other laws. I should feel myself wanting to the Council and House of Representatives, were I not to acknowledge, that the laws which have been offered for my assent, have been such as

are essential to the promotion of the public happiness, and that no law of importance at this time is omitted.

Herewith you will receive the prorogation to the day as by you requested.

WM. BLOUNT.

Knoxville, September 30, 1794.

WILLIAM BLOUNT, *Governor in and over the Territory of the United States of America south of the river Ohio.*

*To the President and Gentlemen of the Legislative Council—and
The Speaker and Gentlemen of the House of Representatives :*

The session of the General Assembly is prorogued until the first Monday in the month of October, one thousand seven hundred and ninety five, then to commence at this place.

Given under my hand at Knoxville, September 30th, 1794.

WM. BLOUNT.

By the Governor,

DANIEL SMITH.

The business of the session being finished, it was unanimously resolved, that the thanks of this House be given to Honorable Griffith Rutherford, for his attention and able services as President of Legislative Council.

Resolved, that the Honorable President sign the journal of the Council as the proceedings thereof, and that the clerk attest the same.

GRIFFITH RUTHERFORD, P. L. C.

By order,

GEORGE ROULSTONE, C. L. C.